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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,829	09/28/2001	David B. Kumhyr	AUS920010400US1	5006
35617	7590	09/22/2006	EXAMINER FLEURANTIN, JEAN B	
DAFFER MCDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768			ART UNIT 2162	PAPER NUMBER

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/966,829

Applicant(s)

KUMHYR ET AL.

Examiner

JEAN B. FLEURANTIN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This in response to applicant's remarks filed 11/14/05.
  2. Claims 2 and 13-33 have been canceled.
- Claims 1, 3-12 remain pending for examination.

***Response to Applicant' Remarks***

3. After further review of the indicated allowable subject matter claims 1 and 3-12, the indicated allowable subject matter has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,678,719 issued to Stimmel.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,678,719 issued to Stimmel, Carol L., ("Stimmel") in view of U.S. Pat. No. 5,801,700 issued to Ferguson.

As per claim 1, Stimmel discloses "a method of establishing a computer-based communication session involving a user of a computer" (i.e., user entering information in a communication window for contracting user; see col. 3, lines 61-65 and see col. 2, lines 66-67), said method comprising:

"receiving, from the user, notification of a desired participant in the communication session" (i.e., establishing communication between users (instant chat connection) depending upon selecting communication method; see col. 4, lines 14-22) and "a desired communications application to be used for the session" (i.e., the system establishing communication between users; see col. 4, lines 17-19), wherein the desired communications application is selected from multiple communications applications available

for use in the session" (i.e., upon selecting a communication methods, in which the user selecting telephone (available application); see col. 4, lines 32-38), and

"retrieving a participant identifier effective to identify the desired participant to the desired communications application" (i.e., user selecting information blocks to see which actions are available for communicating with the associating user based on the status of that user; see col. 3, lines 43-46 and Fig. 2); and

"providing the retrieved participant identifier to the communications application" (i.e., user information blocks are each associating with a respective user, including the name (identifier) and the status of the associated user; see col. 3, lines 35-38). Stimmel fails to explicitly disclose detecting selection of an icon within a graphical user interface displayed using computer. However, Ferguson discloses a method for detecting selection of an icon within a graphical user interface displayed using computer (see Ferguson col. 6, lines 28-41).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Stimmel by detecting selection of an icon within a graphical user interface displayed using computer as disclosed by Ferguson (see Ferguson col. 7, lines 26-36). Such a modification would allow the method of Stimmel to provide the user with a user friendly and intuitive interface that is easy to use, even for non-technical users (see Ferguson col. 1, lines 56-58), thereby improving the reliability of the method, system and program for switching between various computer-based communication techniques.

As per claim 7, Stimmel discloses "said retrieving comprises accessing a data structure storing the participant identifier" (In light the specification at paragraph [0022], the purposed of a data structure is for storing the participant identifier. The data structure may store, a set of user identifiers effective to identify a user of a computer to each of multiple communications applications accessible with the computer is disclosed by Stimmel see col. 4, lines 5-11).

As per claim 8, in addition to claim 1, Stimmel further discloses "role information stored in the data structure" (In light the specification at paragraph [0022], the purposed of a data structure is for storing role information. The data structure may store, role or permission information corresponding to each potential participant could also be stored in a data structure is disclosed by Stimmel see col. 4, lines 5-11).

As per claim 9, in addition to claim 1, Stimmel further discloses "on a display screen of the computer" (i.e., screen display; see col. 3, lines 28-30), "a graphical user interface including representations of multiple communications applications accessible with the computer" (i.e., users connecting to the internet; see col. 2, lines 3-32 and Fig. 2).

As per claim 10, in addition to claim 1, Stimmel further discloses "said representations of multiple communications applications" (i.e., establishing communication between users; see col. 4, lines 17-22).

As per claim 7, Stimmel further discloses "retrieving a user identifier appropriate to identify the user to the desired communications application" (i.e., user information blocks are each associating with a respective user, including the name (identifier) and the status of the associated user; see col. 3, lines 35-38).

As per claim 12, in addition to claim 1, Stimmel fails to explicitly disclose retrieving a password effective to allow access of the user to the desired communications application. However, Ferguson discloses a method for retrieving a password effective to allow access of the user to the desired communications application (see Ferguson col. 4, line 65 to col. 5, line 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Stimmel by retrieving a password effective to allow access of the user to the desired communications application as disclosed by Ferguson (see Ferguson col. 4, line 67 to col. 5, line 1). Such a modification would allow the method of Stimmel to provide the user to establish a connection that supports the file transfer protocol (see Ferguson col. 4, lines 63-64).

***Allowable Subject Matter***

5. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### CONTACT INFORMATION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 - 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 - 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

June 18, 2006